

## Article - Health - General

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§18–213.2.

- (a) (1) In this section the following words have the meanings indicated.
- (2) (i) “Body fluids” means:
  - 1. Any fluid containing visible blood, semen, or vaginal secretions; or
  - 2. Cerebral spinal fluid, synovial, or amniotic fluid.
- (ii) “Body fluids” does not include saliva, stool, nasal secretions, sputum, tears, urine, or vomitus.
- (3) “Contact exposure” means as between a decedent and a first responder:
  - (i) Percutaneous contact with blood or body fluids;
  - (ii) Mucocutaneous contact with blood or body fluids;
  - (iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood or body fluids for a prolonged period; or
  - (iv) Intact skin contact with large amounts of blood or body fluids for a prolonged period.
- (4) “Contagious disease or virus” means:
  - (i) Human immunodeficiency virus (HIV);
  - (ii) Meningococcal meningitis;
  - (iii) Tuberculosis;
  - (iv) Mononucleosis;
  - (v) Any form of viral hepatitis, including but not limited to hepatitis A, B, C, D, E, F, and G;

- (vi) Diphtheria;
- (vii) Plague;
- (viii) Hemorrhagic fevers; or
- (ix) Rabies.

(5) “Correctional institution” means a place of detention or correctional confinement operated by or for the State or a local government.

(6) (i) “Correctional officer” means a member of a correctional unit who is charged with and actually performs those duties that relate to the investigation, care, custody, control, or supervision of individuals confined to places of incarceration.

(ii) “Correctional officer” includes any sheriff, warden, superintendent, or other individual having the equivalent title.

(7) “First responder” means a:

- (i) Firefighter;
- (ii) Emergency medical technician;
- (iii) Rescue squad member;
- (iv) Law enforcement officer;
- (v) Correctional officer; or
- (vi) Sworn member of the State Fire Marshal’s office.

(8) “Law enforcement officer” means any individual who, in an official capacity, is authorized by law to make arrests and who is a member of one of the following law enforcement agencies:

- (i) The Department of State Police;
- (ii) The Baltimore City Police Department;
- (iii) The police department, bureau, or force of any county;

(iv) The police department, bureau, or force of any incorporated city or town;

(v) The office of the sheriff of any county;

(vi) The police department, bureau, or force of any bicounty agency or constituent institution of the University System of Maryland, Morgan State University, St. Mary's College, or of any institution under the jurisdiction of the Maryland Higher Education Commission;

(vii) The Maryland Aviation Administration police force of the Department of Transportation, the Maryland Transit Administration police force of the Department of Transportation, the Maryland Transportation Authority police force, and the Maryland Port Administration police force of the Department of Transportation;

(viii) The law enforcement officers of the Department of Natural Resources;

(ix) The Field Enforcement Bureau of the Comptroller's Office;

(x) The Intelligence and Investigative Division of the Department of Public Safety and Correctional Services; or

(xi) The Maryland Capitol Police of the Department of General Services.

(9) "Medical care facility" means a hospital, or a health care facility of a correctional institution.

(10) "Physician performing a postmortem examination" means any of the following persons who perform a postmortem examination on a decedent:

(i) The Chief Medical Examiner; or

(ii) The Chief Medical Examiner's designee.

(b) If, while transporting a person to a medical care facility or while acting in the performance of duty, a first responder comes into contact exposure while treating or transporting a person who dies at the scene or while being transported and who is subsequently determined, as a result of information obtained in conjunction with a postmortem examination by the Chief Medical Examiner or a designee of the Chief Medical Examiner to have had a contagious disease or virus at the time of death, the physician performing the postmortem examination shall notify

the first responder and the first responder's employer or the employer's designee of the first responder's possible contact exposure to the contagious disease or virus.

(c) The notification required under subsection (b) of this section shall:

(1) Be made within 48 hours of confirmation of the determination that the deceased person had a contagious disease or virus at the time of death;

(2) Include subsequent written confirmation of possible contact exposure to the contagious disease or virus;

(3) Be conducted in a manner that will protect the confidentiality of the deceased person; and

(4) To the extent possible, be conducted in a manner that will protect the confidentiality of the first responder.

(d) The written confirmation required under subsection (c)(2) of this section shall constitute compliance with this section.

(e) A medical care facility or physician performing a postmortem examination acting in good faith to provide notification in accordance with this section is not liable in any cause of action related to a breach of patient confidentiality.

(f) A medical care facility or physician performing a postmortem examination acting in good faith to provide notification in accordance with this section is not liable in any cause of action for:

(1) The failure to give the required notice if the first responder fails to properly initiate the notification procedures developed by the medical care facility and the Chief Medical Examiner under subsection (g) of this section; or

(2) The failure of the employer or the employer's designee to subsequently notify the first responder of the possible contact exposure to a contagious disease or virus.

(g) (1) The State Fire Marshal, the Chief Medical Examiner, and each fire department, rescue squad company, medical care facility, correctional institution, and law enforcement agency in the State shall develop written procedures for the implementation of this section.

(2) On request, the State Fire Marshal and each fire department, rescue squad company, medical care facility, correctional institution, and law

enforcement agency shall make copies of the procedures developed in this subtitle available to employees, employee unions, volunteer associations, and the Secretary.

(h) A person covered under subsection (a)(5), (6), (7), (8), (9), and (10) of this section may not refuse to treat or transport a deceased person because the deceased person was HIV positive at the time of death.

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